IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12760 of 2004

Between:

K.D.Reddy S/o.Late Gopal Reddy
ADC, E.No.26234 R/o.East Anand Bagh, Malkajigiri, Hyderabad

..... PETITIONER

AND

1 APSRTC Nalgonda Region, Nalgonda Rept. By its Regional Manager
2 APSRTC Bus Depot, Suryapet, Nalgonda Rept. By its Depot., Manager

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not counting the period of removal for the purpose of gratuity and for the purpose of earned leave as arbitrary, unjust, in violation of Art.14, 16, and 21 of the Constitution of India and Contrary to the purport of the award dated 21.3.1978 made in I.D No.129 of 1975 and consequently direct the respondents to arrange the benefits of gratuity and earned leave wages for the removal period ie.13.9.1973 till the date of reinstatement in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondent NoS.1&2: MR.K.HARINATH

(SC FOR APSRTC)

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12760 OF 2004

ORAL ORDER:

The petitioner approached this Court being aggrieved by the non-disposal of a representation made by him to the second respondent on 01-07-2004 for the release of the gratuity payable to him.

2. The petitioner worked as a conductor in the respondent Corporation from 23-05-1965 on regular basis. Subsequently, he retired from service with effect from 31-03-2000 on attaining the age of superannuation. During the period of service, he was removed from service in a departmental action, and after some time he was re-instated through the order of the industrial Tribunal and worked in that capacity till the date of retirement. The second respondent did not take any action for a period of four years, after the retirement of the petitioner.

3. The petitioner's counsel represents that he was orally informed by the officers working under the second respondent that since he did not physically work during the period of removal and reinstatement, he is not entitled to add the said period for the purpose of computation of gratuity and Earned Leave.

4. It is therefore, just and reasonable to direct the second respondent to consider the representation of the petitioner dated 01-07-2004 and pass appropriate orders on it, according to Rules and in the light of the following Judgments referred by the petitioner:

1. **M.Ramarao v . Asst. Traffic Manager, APSRTC, Hyd., and another.**

2. **W.A.No.1125 of 2002 dated 22-08-2003**

5. The Writ Petition is accordingly disposed of.

Dr. G.YETHIRAJULU, J.

22nd July, 2004.

SKM

Note:

C.C. within Three days.

B/O.

skm

TO

1 APSRTC Nalgonda Region, Nalgonda Rept. By its Regional Manager
2 APSRTC Bus Depot, Suryapet, Nalgonda Rept. By its Depot.,

Manager

3 Two C.D.Copies.